



January 21, 2019

Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401
Submitted via email to AgNOI@waterboards.ca.gov

Re: Comments regarding Ag Order 4.0 and Proposed Options Tables

Dear Chair Wolff, Mr. Robertson, and Water Board Staff:

The Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties represents over 170 growers, shippers, farm labor contractors, and supporting agribusinesses. Our members grow diverse field and nursery crops such as broccoli, strawberries, vegetable transplants, and wine grapes. We recognize that the implementation of the Order will continue to have a lasting impact on the ability of farmers to grow safe, healthy produce on the Central Coast and support vibrant rural communities.

Overarching Concerns

We strongly oppose the proposed Options Tables, which do not provide a true range of options. Both options mistakenly apply a point source approach to a nonpoint source issue. We have worked with our agricultural partners to develop the joint Agricultural Alternative Options submission. These comments are intended to complement our joint submission with our agricultural partners.

Quantifiable Milestones

We urge Ag Order 4.0 to focus on quantifiable milestones instead of numeric limits as detailed in our joint Agricultural Alternative Options submission.

We also encourage measures of progress to consider a combination of loads and concentrations, as well as patterns and trends (see Sarah Lopez presentation from March 23, 2018).

Balancing the Level of Detail with the Reporting Burden

We continue to advocate for reporting requirements that generate meaningful data and balance the level of detail with the reporting burden. This includes:

- The ability to use estimates, rather than measurements, especially as it pertains to the irrigation and nutrient reporting requirements. We support the ability to estimate applied water, which has been accepted by the Courts in groundwater basin adjudications and other groundwater management agencies. We do not support requiring application limits, crop evapotranspiration, and volume of discharges to be reported on an individual ranch basis. This information is not necessary to identify potential outliers; outliers can be identified with irrigation and nutrient management summary information that balances the level of detail with the reporting burden.



- We support a range of values when considering crop coefficients for nitrogen removal and adequate time to consider the diversity of crop types and varieties grown on the Central Coast.
- We do not support requiring individual discharge monitoring for enrollees that make a good faith effort to comply.
- Time schedules must be realistic and consider administrative constraints, such as developing templates for use and updating GeoTracker.
- We ask that implementation constraints, such as lab certifications, analytical capabilities, and capacity; the availability of technical assistance resources, especially with specific certifications or qualifications; and other implementation barriers impacting feasibility are taken into consideration.

Slopes

We adamantly oppose excluding ranches with certain characteristics from the option to participate in the general order. We recognize that a combination of certain factors may warrant a greater level of planning and reporting, as discussed in the Agricultural Alternative Options submission, but we do not support a wholesale exclusion. Other variables, such as precipitation patterns, soil characteristics, and planting layout, all factor into potential risk. The cost and complexity of an individual WDR is not necessarily commensurate to the increase in risk. Unlike point sources traditionally regulated under an individual WDR, in the irrigated lands context the presence or absence of risk factors may change on a yearly basis as operators and management practices change, which would not be conducive to an individual WDR.

Under present technology, the use of impermeable plastic mulch and impermeable hoop houses facilitate the cultivation of certain crops types that offer employees choice in working environment, income, and employment and can be an important tool for plant health and integrated pest management. Continued participation of these farms/ranches in the Ag Order facilitates participation in cooperative monitoring and education programs that would not otherwise be available and also provides continuity through changes in operations in a way that an individual WDR would not.

Agriculture on slopes has provided protection of life and property in places like the South Coast of Santa Barbara County, where fuel breaks provided by irrigated agriculture and irrigation infrastructure have been essential in wildfire control and suppression efforts. These same locations also face challenging economics and individual WDR requirements might pose an insurmountable challenge.

Although we do not necessarily agree with a regulatory threshold based on percent slope and would like to call attention to the distinction between agricultural grading and agricultural cultivation, we find additional farm planning requirements for farms/ranches with slopes over 30 percent to be less inconsistent with policies in Santa Barbara and San Luis Obispo Counties and less objectionable than an outright exclusion; we do not believe these farms/ranches should be excluded from the order. The method for calculating the percent slope is of interest to our members and we will engage in this process as it develops.



Food Safety and Regulatory Consistency

We are concerned with the Ag Order prescribing requirements that are not reasonably feasible to implement given social, economic, or technical constraints. Farming has increasingly become a challenge to balance multiple priorities and requirements that are often conflicting. We are particularly concerned with language in the options table limiting or prohibiting the application of certain pesticides and fertilizers and question the Water Board's authority to do so. We are particularly concerned with policies that could compromise food safety, including those that are prescriptive of vegetation or onsite water retention. We are also concerned with policies that create a disincentive to utilize irrigation water that is high in nitrate as it pertains to nitrogen reporting and return flows. We are further concerned about policies that undermine conveyance of irrigation and/or storm water to collective treatment sites. We hope that Ag Order 4.0 can anticipate and proactively address these reasonably foreseeable conflicts. We have touched on several of these issues in our joint submission and will continue to expand on these important topics in the coming months.

Dynamic Land Tenure

Ag Order 4.0 requirements must consider the dynamic land tenure and rotation of operators and crops on the Central Coast. For example, determination of outliers should be based on the combination of the operator and the farm/ranch: successor operators should not be penalized for the actions of a previous operator. Similarly, sediment and erosion management planning requirements should also consider the probability of change in operations, crop types, and other factors.

Waiver vs WDR

We support a WDR, rather than a waiver. Constant renewal efforts and ever-changing requirements detract finite resources from efforts that can better improve water quality.

CEQA Comments

We have previously submitted comments regarding CEQA scoping and have reattached those comments here.

Our members renew their commitment to continuing to improve water quality. We urge the Water Board to carefully consider and incorporate these comments and those of our agricultural partners in the development of Ag Order 4.0.

Sincerely,

A handwritten signature in blue ink that reads "Claire Wineman". The signature is written in a cursive, flowing style.

Claire Wineman
President